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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,680	06/27/2001	Anil K. Kumar	INTL-0598-US (P11739)	3966

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EXAMINER

BARNIE, REXFORD N

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,680

Applicant(s)

KUMAR, ANIL K.

Examiner

REXFORD N. BARNIE

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korpela (US Pat# 5,946,634) in view of Naqvi et al. (US Pat# 6,714,777) or Keller et al. (US Pat# 6,496,689).

Regarding claims 21 and 24, Korpela teaches a mobile communication system wherein mobility information would be used including location update request and then billing a user after a call in (see col. 6 line 15-65). According to (see col. 5 lines 30-38), a user and network can negotiate certain parameters for a call. Korpela, however, fails to teach implicitly that Mobility management would be used to assess a charge for the call.

Naqvi teaches a communication system which can use mobility management information to make sure calls are billed correctly in (see col. 2 lines 61-66).

Keller teaches an indication of charging information using the USSD (unstructured supplementary service) wherein mobility information including whether a user is roaming or not can be used in determining charging parameters to bill a call in (see col. 5 lines 5-22, col. 7 lines 10-18 (mobility management messages, line 12), col.

7 lines 55-col. 8 line 25, col. 9 lines 1-38). Charging is based on origination and termination of communication

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of (Naqvi or Keller) into that of Korpela in order to make sure calls are billed correctly by using mobility management data to avoid complaints and loss of revenue.

Regarding claims 22 and 25, the combination including Naqvi teaches taking into account roaming data.

Regarding claims 22-23 and 25-26, The combination including Keller teaches taking location into account when charging.

Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korpela (US pat# 6,311,054) in view of Keller et al. (US Pat# 6,496,689).

Regarding claim 27, Korpela teaches a method to determine charging information in a mobile unit wherein one can establish a plurality of communication sessions simultaneously and then billed according in (see col. 5 lines 22-24, col. 5 and fig.3).

Korpela teaches monitoring charges associated with usage in a telephone terminal. Korpela teaches a telephone terminal in (see fig. 3) including a processor, a memory and counters which makes it possible to charge a user for a telephone communication but fails to teach taking into mobility management data when charging.

Keller et al. teaches an indication of charge information (advice of charge) information in (see col.4) in addition to location information/mobility management information, all to be used in assessing charges in (see col.5-9). Keller teaches a telephone terminal in (see fig. 1) which has a charging indication unit, USSD unit, service unit and a location information unit wherein the fact that a user is roaming or not roaming can be determined and used in charging a user for a communication in (see col. 5 lines 5-20, col. 7 lines 10-18, col. 7 lines 33-37, col. 7 lines 56-col. 8 line 8, col. 9 lines 1-21, col. 9 line 66-col. 10 line 7, col. 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Keller into that of Korpela thus making it possible to determine charges accurately based on factors including roaming and to inform a user accordingly so that one can avoid undesired charges

Regarding claim 28-29, the combination teaches taken into location information which could include roaming and so forth in (see col.5 of Keller). Furthermore, billing based on non-roaming is well known in the art.

Regarding claim 30, The combination including Korpela teaches a third generation telephone in (see col. 4 lines 21-31, col. 6-7).

Claims 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. (US Pat# 6,496,689) in view of Korpela (US pat# 6,311,054).

Regarding claim 21, Keller teaches a communication system wherein mobility management information and other information can be transmitted to a user terminal

and used for charging a user for a telephonic communication in (see col. 4, col. 5 lines 1-35, col. 7 lines 10-18 (see line 12, mobility management messages), col. 7 line 55-col. 8 line 8, col. 9 line 15-39). Keller teaches using a charging unit, USSD interface, Service unit and Location unit.

Keller fails to teach charging for simultaneous communication, a feature not claimed. Keller teaches determining whether a user is roaming or not-roaming and charging a user for a communication using this parameter and by using a terminal in (see fig. 1 labeled "MS")

Korpela teaches a telephone terminal which can track simultaneously usage of communication services and billed them according and could be a third generation terminal in (see col. 1-2, col. 3 lines 19-45, col. 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Korpela into that of Keller thus making it possible to provide multi-media services and billed them accordingly.

Regarding claims 22-23, see the explanation as set forth regarding claim 21.

Regarding claim 24, Keller teaches a communication system wherein mobility management information and other information can be transmitted to a user terminal and used for charging a user for a telephonic communication in (see col. 4, col. 5 lines 1-35, col. 7 lines 10-18 (see line 12, mobility management messages), col. 7 line 55-col. 8 line 8, col. 9 line 15-39). Keller teaches using a charging unit, USSD interface, Service unit and Location unit.

Keller fails to teach charging for simultaneous communication, a feature not claimed. Keller teaches determining whether a user is roaming or not-roaming and charging a user for a communication using this parameter and by using a terminal in (see fig. 1 labeled "MS")

Korpela teaches a telephone terminal which can track simultaneously usage of communication services and billed them according and could be a third generation terminal in (see col. 1-2, col. 3 lines 19-45, col. 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Korpela into that of Keller thus making it possible to provide multi-media services and billed them accordingly.

Regarding claims 25-26 and 28-30, see the explanation as set forth regarding claim 21.

Regarding claim 27, Keller teaches a communication system wherein mobility management information and other information can be transmitted to a user terminal and used for charging a user for a telephonic communication in (see col. 4, col. 5 lines 1-35, col. 7 lines 10-18 (see line 12, mobility management messages), col. 7 line 55-col. 8 line 8, col. 9 line 15-39). Keller teaches using a charging unit, USSD interface, Service unit and Location unit.

Keller fails to teach charging for simultaneous communication, a feature not claimed. Keller teaches determining whether a user is roaming or not-roaming and charging a user for a communication using this parameter and by using a terminal in (see fig. 1 labeled "MS")

Korpela teaches a telephone terminal which can track simultaneously usage of communication services and billed them according and could be a third generation terminal in (see col. 1-2, col. 3 lines 19-45, col. 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Korpela into that of Keller thus making it possible to provide multi-media services and billed them accordingly.


Conclusion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
09/20/05


REXFORD BARNIE
PRIMARY EXAMINER